

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRUCE MARCONI,	:	Civil Action
Plaintiff,	:	
	:	
v.	:	
	:	
ACME MARKETS, INC., 10 th and REED	:	
ACME MARKET, INC. and	:	
SUPERVALU, INC.,	:	
Defendants.	:	No. 10-CV-

NOTICE FOR REMOVAL

**TO THE HONORABLE JUDGES OF THE SAID
DISTRICT COURT OF THE UNITED STATES:**

Petitioners Acme Markets, Inc. (named as “Acme Markets, Inc.” and “10th and Reed Acme Markets, Inc.”) and SuperValu, Inc. (referred to collectively as “Petitioners”), Defendants in the above-captioned matter, hereby file the Notice of Removal of said case from the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania, in which it is now pending, to the United States District Court for the Eastern District of Pennsylvania and in support thereof avers as follows:

1. On or about June 8, 2010, this action was commenced against Defendants Acme Markets, Inc. (named as “Acme Markets, Inc.” and “10th and Reed Acme Markets, Inc.”)(referred to as “Acme”) and SuperValu, Inc. (“SuperValu”) by the filing of a Complaint in the Court of Common Pleas of Philadelphia County, being docketed at June Term 2010, No. 289. (See Complaint attached hereto as Exhibit "A").

2. Docket entries for the case pending in the Philadelphia County Court of Common Pleas indicate that service of process upon Acme Markets, Inc. was effected on or about July 1,

2010. (See docket entries attached hereto and marked as Exhibit “B”).

3. No other proceedings have been had in this action known to Petitioners.

4. The above-captioned action is one of which this Court has original jurisdiction pursuant to 28 U.S.C. Section 1332, and is one which may be removed to this Court by the Defendants pursuant to the provisions of 28 U.S.C. Section 1441 in that it is a civil action wherein the matter in controversy exceeds the sum or value of \$75,000.00 exclusive of interest and costs and is between citizens of different states.

5. Plaintiff's Complaint alleges damages in an unstated amount, but said to exceed \$50,000. (See Exhibit “A” at “Wherefore” clause).

6. Plaintiff's Complaint further alleges that Plaintiff Bruce Marconi suffered injuries including but not necessarily limited to: blunt trauma to his right eye resulting in serious macular thickening of his retina resulting in significant loss of vision; and other injuries, in addition to shock and injury to his nerves and nervous system, the extent of this are not yet fully known and other injuries which are stated to be permanent in nature. (See Exhibit “A”, ¶ 9).

7. Plaintiff's Complaint alleges that plaintiff has been has been and may in the future be disabled and unable to pursue his usual occupations, activities and pleasures of daily living and has or may have suffered a loss and depreciation of earning power and earning capacity which may be permanent.. (See Exhibit “A”, ¶ 11).

8. Plaintiff's Complaint alleges that plaintiff has incurred and may hereafter incur other financial expenses for costs for medical care and medical attention related to these alleged injuries. (See Exhibit “A”, ¶ 12).

9. The Plaintiff alleges in the Complaint that he is an individual who resides at 1515 South 9th Street, Philadelphia, PA, 19147 (See Exhibit “A”, ¶ 1).

10. Plaintiff alleges in the Complaint that Defendants Acme Markets, 10th and Reed Acme and SuperValu are Idaho corporations when, in fact, Acme Markets, Inc. (named as “Acme Markets, Inc.” and “10th and Reed Acme Markets, Inc.”) and SuperValu are Delaware corporations.

11. The Complaint alleges that Defendant Acme Markets, Inc. (named as “Acme Markets, Inc.” and “10th and Reed Acme Markets, Inc.”) maintains its principal place of business at 1400 Passyunk Avenue, Philadelphia, PA 19047 when, in fact, Acme Markets, Inc. has maintained its principal place of business in Boise, Idaho.

12. The Complaint alleges that Defendant SuperValu, Inc. maintains its principal place of business at 1635 Market Street, Philadelphia, PA 19047 when, in fact, SuperValu, Inc. . has maintained its principal place of business at 11840 Valley View Road, Eden Prairie, Minnesota 55344.

13. Based upon the foregoing, it is respectfully submitted that there is complete diversity of citizenship among the Plaintiff and the Defendants in this action.

14. This Notice of Removal is being filed within the time period proscribed following receipt by Defendants of a copy of the Complaint and is timely filed under 28 U.S.C. Section 1446.

15. Written notice of the filing of this Notice of Removal will be served upon the

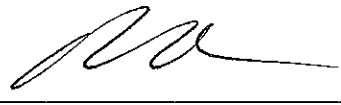
Plaintiff as required by law.

16. A true copy of this Notice of Removal will be filed with the Prothonotary of the Court of the Common Pleas, Philadelphia County, Pennsylvania, as provided by law.

WHEREFORE, Defendants Acme Markets, Inc. (named as “Acme Markets, Inc.” and “10th and Reed Acme Markets, Inc.”) and SuperValu, Inc. request that the above-captioned action now pending against it in the Court of Common Pleas, Philadelphia County, Pennsylvania, be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

GIBLEY AND McWILLIAMS, P.C.

By: 
W. Kelly McWilliams, Esquire
Attorney for Petitioners/Defendants
Acme Markets, Inc. (named as
“Acme Markets, Inc.” and “10th
and Reed Acme Markets, Inc.”)
and SuperValu, Inc.
Attorney I.D. No. 50286
524 N. Providence Road
Media, PA 19063
(610) 627-9500

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRUCE MARCONI,	:	Civil Action
Plaintiff,	:	
	:	
v.	:	
	:	
ACME MARKETS, INC., 10 th and REED	:	
ACME MARKET, INC. and	:	
SUPERVALU, INC.,	:	
Defendants.	:	No. 10-CV-


AFFIDAVIT

W. Kelly McWilliams, Esquire, being sworn according to law deposes and says that he is counsel for Petitioners, Acme Markets, Inc. (named as "Acme Markets, Inc." and "10th and Reed Acme Markets, Inc.") and SuperValu, Inc. in the within matter; and that he has read the foregoing Notice for Removal and believes it to be true and correct, to the best of his knowledge, information and belief.

Respectfully submitted,

GIBLEY AND McWILLIAMS, P.C.

By: _____



W. Kelly McWilliams, Esquire
Attorney for Petitioners/Defendants
Acme Markets, Inc. (named as
"Acme Markets, Inc." and "10th
and Reed Acme Markets, Inc.")
and SuperValu, Inc
Attorney I.D. No. 50286
524 N. Providence Road
Media, PA 19063
(610) 627-9500

By: W. Kelly McWilliams
kmcwilliams@gibleylaw.com

Identification Nos.: 50286

GIBLEY AND McWILLIAMS, P.C.

524 N. Providence Road

Media, PA 19063-0807

Telephone No.: (610) 627-9500

Attorney for Defendants

Acme Markets, Inc. . (named as
"Acme Markets, Inc." and "10th
and Reed Acme Markets, Inc.") and
SuperValu, Inc.

BRUCE MARCONI

Plaintiff,

v.

ACME MARKETS, INC., 10th

REED ACME MARKET, INC. and

SUPERVALU, INC.,

Defendants.

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
:
:
:

: JUNE TERM 2010

: No. 289
:
:

NOTICE OF REMOVAL

**TO THE PROTHONOTARY OF THE COURT OF
COMMON PLEAS OF PHILADELPHIA COUNTY:**

Pursuant to 28 U.S.C. §1446(e), defendants, Acme Markets, Inc. (named as "Acme Markets, Inc." and "10th and Reed Acme Markets, Inc.") and SuperValu, Inc., file herewith a certified copy of the Notice of Removal, (without exhibits) which was filed in the United States District Court for the Eastern District of Pennsylvania on August 2, 2010. A copy of the removal packet, with exhibits is being mailed this 2nd day of August, 2010.

GIBLEY AND McWILLIAMS, P.C.

By: 

W. Kelly McWilliams, Esquire
Attorney for Defendants
Acme Markets, Inc.
and SuperValu, Inc.
524 N. Providence Road
Media, PA 19063
(610) 627-9500

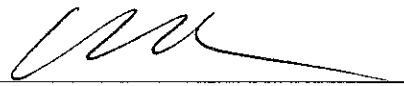
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRUCE MARCONI,	:	Civil Action
Plaintiff,	:	
	:	
v.	:	
	:	
ACME MARKETS, INC., 10 th and REED	:	
ACME MARKET, INC. and	:	
SUPERVALU, INC.,	:	
Defendants.	:	No. 10-CV-

PROOF OF FILING

I, W. Kelly McWilliams, Esquire, hereby certify that a copy of the foregoing Notice for Removal has been filed with the Prothonotary of the Court of Common Pleas of Philadelphia County.

GIBLEY AND McWILLIAMS, P.C.

By: 
W. Kelly McWilliams, Esquire
Attorney for Petitioners/Defendants
Acme Markets, Inc. (named as
"Acme Markets, Inc." and "10th
and Reed Acme Markets, Inc.")
and SuperValu, Inc.
Attorney I.D. No. 50286
524 N. Providence Road
Media, PA 19063
(610) 627-9500

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRUCE MARCONI,	:	Civil Action
Plaintiff,	:	
	:	
v.	:	
	:	
ACME MARKETS, INC., 10 th and REED	:	
ACME MARKET, INC. and	:	
SUPERVALU, INC.,	:	
Defendants.	:	No. 10-CV-

CERTIFICATE OF SERVICE

I, W. Kelly McWilliams, Esquire, hereby certify that a copy of the attached has been served on the following individuals by first class, United States mail, postage pre-paid on this 2nd

day of August, 2010: Prothonotary
Philadelphia County Court of Common Pleas
284 City Hall
Philadelphia, PA 19107

Matthew B. Weisberg, Esquire
WEISBERG LAW, PC
7 S. Morton Ave
Morton, PA 19070
(Counsel for plaintiff)

GIBLEY AND McWILLIAMS, P.C.


By: 
W. Kelly McWilliams, Esquire
Attorney for Petitioners/Defendants
Acme Markets, Inc. (named as
"Acme Markets, Inc." and "10th
and Reed Acme Markets, Inc.")
and SuperValu, Inc
Attorney I.D. No. 50286
524 N. Providence Road
Media, PA 19063
(610) 627-9500

EXHIBIT "A"

07/02/2010 14:13 2155513449

ACME PHARMACY

PAGE 02/05

Court of Common Pleas of Philadelphia County
Trial Division

Civil Cover Sheet

JUNE 2010 000138

PLAINTIFF'S NAME BRUCE MARCONI		DEFENDANT'S NAME ACME MARKETS, INC.	
PLAINTIFF'S ADDRESS 1515 SOUTH 9TH STREET PHILADELPHIA PA 19147		DEFENDANT'S ADDRESS 1400 PASSYUNK AVENUE PHILADELPHIA PA 19147	
PLAINTIFF'S NAME		DEFENDANT'S NAME 10TH AND REED ACME MARKET, INC.	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 1400 E. PASSYUNK AVENUE PHILADELPHIA PA 19147	
PLAINTIFF'S NAME		DEFENDANT'S NAME SUPERVALU, INC.	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 1635 MARKET STREET PHILADELPHIA PA 19103	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 3	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Summons <input type="checkbox"/> Transfer From Other Jurisdiction	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Non-Jury <input type="checkbox"/> Other		
CASE TYPE AND CODE 29 - PREMISES LIABILITY			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
FILED PRO PROTHY JUN 08 2010 S. GARRETT			
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>BRUCE MARCONI</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF/PETITIONER/APPELLANT'S ATTORNEY MATTHEW B. WEISBERG		ADDRESS WEISBERG LAW, PC 7 S MORTON AVE MORTON PA 19070	
PHONE NUMBER (610) 690-0801	FAX NUMBER (610) 690-0880		
SUPREME COURT IDENTIFICATION NO. 85570		E-MAIL ADDRESS mweisberg@weisbergclawoffices.com	
SIGNATURE OF FILING ATTORNEY OR PARTY MATTHEW WEISBERG		DATE SUBMITTED Tuesday, June 08, 2010, 11:20 am	

FINAL COPY (Approved by the Prothonotary Clerk)

THIS IS A MAJOR JURY MATTER.
ASSESSMENT OF DAMAGES IS REQUESTED

WEISBERG LAW, P.C.
BY: Matthew B. Weisberg
Attorney ID # 85570
7 South Morton Avenue
Morton, PA 19070
(610) 690-0801

Attorneys for Plaintiff



Bruce Marconi
1515 South 9th Street
Philadelphia, PA 19147

Plaintiff,

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

v.

_____ Term, 2010

Acme Markets, Inc.
1400 Passyunk Avenue
Philadelphia, PA 19147

No.:

And

10th and Reed Acme Market, Inc.
1400 E. Passyunk Avenue
Philadelphia, PA 19147

And

Jury Trial of Twelve (12) Jurors Demanded

SuperValu, Inc.
1635 Market Street
Philadelphia, PA 19103

Defendants,

CIVIL ACTION COMPLAINT
2S - PREMISES LIABILITY

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas ex-puestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascitar una comparancia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades

the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Philadelphia Bar Association
One Reading Center
11th & Market Streets
Philadelphia, PA 19107
215-238-6333

u otros derechos importantes para usted.

USTED LE DEBE TOMAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE A UN ABOGADO, VA A O TELEFONEA LA OFICINA EXPUSO ABAJO. ESTA OFICINA LO PUEDE PROPORCIONAR CON INFORMACION ACERCA DE EMPLEAR A UN ABOGADO. SI USTED NO PUEDE PROPORCIONAR PARA EMPLEAR UN ABOGADO, ESTA OFICINA PUEDE SER CAPAZ DE PROPORCIONARLO CON INFORMACION ACERCA DE LAS AGENCIAS QUE PUEDEN OFRECER LOS SERVICIOS LEGALES A PERSONAS ELEGIBLES EN UN HONORARIO REDUCIDO NI NINGUN HONORARIO.

Philadelphia Bar Association
One Reading Center
11th & Market Streets
Philadelphia, PA 19107
215-238-6333

THIS IS A MAJOR JURY MATTER
ASSESSMENT OF DAMAGES IS REQUESTED

WEISBERG LAW, P.C.
BY: Matthew B. Weisberg
Attorney ID # 85570
7 South Morton Avenue
Morton, PA 19070
(610) 690-0801

Attorneys for Plaintiff

Bruce Marconi
1515 South 9th Street
Philadelphia, PA 19147

Plaintiff,

v.

Acme Markets, Inc.
1400 Passyunk Avenue
Philadelphia, PA 19147

And

10th and Reed Acme Market, Inc.
1400 E. Passyunk Avenue
Philadelphia, PA 19147

And

SuperValu, Inc.
1635 Market Street
Philadelphia, PA 19103

Defendants.

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

Term, 2010

No.:

Jury Trial of Twelve (12) Jurors Demanded

CIVIL ACTION COMPLAINT
2S - PREMISES LIABILITY

1. Plaintiff, Bruce Marconi, is an adult individual residing at the above captioned address.
2. Defendant, Acme Markets, Inc. is a corporation organized and existing under the laws of the State of Idaho, with a principal place of business at the above captioned address.
3. Defendant, 10th and Reed Acme Market, Inc. is a corporation and store, owned by Defendant, parent, Acme Markets, Inc. and has a principal place of business located at 1400 E. Passyunk Avenue, Philadelphia, PA 19147.

4. Defendant, SuperValu, Inc. is a corporation organized and existing under the laws of the State of Idaho with a principal place of business at the above captioned address.

5. On or about June 10, 2008, Defendants did own, operate, possess, control and maintain the property, located at 1400 E. Passyunk Avenue, Philadelphia, Pennsylvania 19147 ("Premises"), which is a supermarket.

6. On or about June 10, 2008, Plaintiff, Bruce Marconi, was lawfully present on the aforesaid premises and was walking in the canned goods aisle when a stack of boxes that was filled with canned goods was protruding out of the aisle at eye level into an area where customers were walking. Plaintiff turned around in the aisle and struck his right eyeball on the corner of the box which caused Plaintiff to sustain severe, serious and permanent injury, more fully set forth at length below.

COUNT I—NEGLIGENCE

7. Plaintiff hereby incorporates paragraphs 1-6 as set forth above.

8. Plaintiff hit his eyeball on the corner of the box due to the negligence, carelessness and recklessness of Defendants, their agents, servants, workmen and employees, which consisted, but was not limited to, the following:

- a. negligently, carelessly and recklessly creating, allowing and permitting a dangerous condition to exist in the aisle, knowing or having reason to know that this would cause a dangerous condition for persons likely to walk there, which condition the said Defendant had or could and should have had knowledge and notice of in time to have repaired or remedied same;
- b. failing to remedy the premises in order to make it safe for anyone walking through the aisles of the supermarket;
- c. failing to warn Plaintiff of the dangerous condition of the premises;
- d. failing to take into consideration that persons may walk in the aisles of the supermarket while in a defective and dangerous condition and warn those persons prior to allowing them to become exposed to the dangerous and defective condition;

- e. failing to properly inspect and maintain the premises;
- f. failing to properly staff and adequately supervise others to maintain said premises;
- g. negligently, carelessly and recklessly causing and maintaining the said dangerous condition on the said premises; and
- h. other such negligent, careless and/or reckless conduct which may be discovered during litigation.

9. As a direct result of the aforesaid negligence, carelessness and recklessness of the Defendant, its agents, servants, workmen and employees, Plaintiff, Bruce Marconi, sustained severe, serious and permanent personal injuries including, but not limited to, blunt trauma to his right eye resulting in serious macular thickening of his retina resulting in significant loss of vision; and various other injuries, in addition to shock and injury to his nerves and nervous system, the exact extent of which are not yet fully known, any and all of which may be permanent and an aggravation of a pre-existing condition, and may be revealed through continuing discovery and/or at trial.

10. As a further result of the aforesaid negligence, carelessness and recklessness of Defendant, its agents, servants, workmen and employees, Plaintiff, Bruce Marconi, suffered great pain and agony, humiliation, embarrassment and emotional distress and may continue to suffer same for an indefinite period of time, perhaps permanently.

11. As a further result of the aforesaid negligence of Defendants, their agents, servants, workmen and employees, Plaintiff, Bruce Marconi, has been and may in the future be disabled and unable to pursue his usual occupations, activities and pleasures of daily living and has or may have suffered a loss and depreciation of earning power and earning capacity which may be permanent.

12. As a further result of the aforesaid occurrence, Plaintiff has incurred and may hereafter incur other financial expenses including, but not limited to, costs for medical care and medical attention, which he is entitled to recover.

WHEREFORE, Plaintiff, Bruce Marconi, demands judgment against Defendants, their agents, servants, workmen and employees, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, together with interest and costs and such other and further relief as this Honorable Court deems necessary and just.

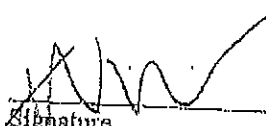
WEISBERG LAW, P.C.

/s/ Matthew B. Weisberg
MATTHEW B. WEISBERG
Attorney for Plaintiff



VERIFICATION

The facts contained in the foregoing are true based upon the signer's personal knowledge or information and belief. If the foregoing contains averments which are inconsistent in fact, signer has been unable, after reasonable investigation, to ascertain which of the inconsistent averments are true, but signer has knowledge or information sufficient to form a belief that one of them is true. The language of this pleading is that of counsel and not of signer. This verification is made subject to the penalties of 18 PA C.S.A. §4904 relating to unsworn falsification to authorities.


Signature

Matthew B. Weisberg
Print name

Attorney for Plaintiff
TITLE

Date: 6/8/10

EXHIBIT “B”

Civil Docket Report

Case Description

Case ID: 100600289
Case Caption: MARCONI VS ACME MARKETS, INC. ETAL
Filing Date: Tuesday , June 08th, 2010
Court: JE - MAJOR JURY-EXPEDITED
Location: CH - City Hall
Jury: J - JURY
Case Type: 2S - PREMISES LIABILITY, SLIP/FALL
Status: CLWCM - WAITING TO LIST CASE MGMT CONF

Related Cases

No related cases were found.

Case Event Schedule

No case events were found.

Case Parties

Seq #	Assoc	Expn Date	Type	ID	Name
1			ATTORNEY FOR PLAINTIFF	A85570	WEISBERG, MATTHEW B
Address:	WEISBERG LAW, PC 7 S MORTON AVE MORTON PA 19070 (610)690-0801		Aliases:	none	
2	1		PLAINTIFF	@6622908	MARCONI, BRUCE
Address:	1515 SOUTH 9TH STREET PHILADELPHIA PA 19147		Aliases:	none	
3			DEFENDANT	@6622909	ACME MARKETS,

					INC.
Address:	1400 PASSYUNK AVENUE PHILADELPHIA PA 19147	Aliases:	none		
4			DEFENDANT	@6622910	10TH AND REED ACME MARKET, INC.
Address:	1400 E. PASSYUNK AVENUE PHILADELPHIA PA 19147	Aliases:	none		
5			DEFENDANT	@6622911	SUPERVALU, INC.
Address:	1635 MARKET STREET PHILADELPHIA PA 19103	Aliases:	none		
6			TEAM LEADER	J359	TERESHKO, ALLAN L
Address:	231 CITY HALL PHILADELPHIA PA 19107 (215)686-7324	Aliases:	none		

Docket Entries

Filing Date/Time	Docket Type	Filing Party	Disposition Amount	Approval/Entry Date
08-JUN-2010 11:20 AM	ACTIV - ACTIVE CASE			08-JUN-2010 11:42 AM
Docket Entry:	E-Filing Number: 1006013069			
08-JUN-2010 11:20 AM	CIVIL - COMMENCEMENT CIVIL ACTION JURY	WEISBERG, MATTHEW B		08-JUN-2010 11:42 AM
Docket				

Entry: <i>none.</i>				
08-JUN-2010 11:20 AM	CMPLT - COMPLAINT FILED NOTICE GIVEN	WEISBERG, MATTHEW B		08-JUN-2010 11:42 AM
Docket Entry:	COMPLAINT WITH NOTICE TO DEFEND WITHIN TWENTY (20) DAYS AFTER SERVICE IN ACCORDANCE WITH RULE 1018.1 FILED.			
08-JUN-2010 11:20 AM	SSCG3 - SHERIFF'S SURCHARGE 3 DEFTS	WEISBERG, MATTHEW B		08-JUN-2010 11:42 AM
Docket Entry:	<i>none.</i>			
08-JUN-2010 11:20 AM	JURYT - JURY TRIAL PERFECTED	WEISBERG, MATTHEW B		08-JUN-2010 11:42 AM
Docket Entry:	12 JURORS REQUESTED.			
08-JUN-2010 11:20 AM	CLWCM - WAITING TO LIST CASE MGMT CONF	WEISBERG, MATTHEW B		08-JUN-2010 11:42 AM
Docket Entry:	<i>none.</i>			
08-JUL-2010 02:49 PM	ATSNF - ATTEMPTED SERVICE - NOT FOUND			08-JUL-2010 02:50 PM
Docket Entry:	SUPERVALU, INC. NOT FOUND ON 06/25/2010.			
09-JUL-2010 02:29 PM	AFDVT - AFFIDAVIT OF SERVICE FILED			09-JUL-2010 02:30 PM
Docket Entry:	AFFIDAVIT OF SERVICE OF PLAINTIFF'S COMPLAINT UPON 10TH AND REED ACME MARKET, INC. BY PERSONAL SERVICE ON 07/01/2010 FILED.			
09-JUL-2010 02:31 PM	AFDVT - AFFIDAVIT OF SERVICE FILED			09-JUL-2010 02:32 PM
Docket	AFFIDAVIT OF SERVICE OF PLAINTIFF'S COMPLAINT UPON ACME			

Entry: MARKETS, INC. BY PERSONAL SERVICE ON 07/01/2010 FILED.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provide by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Bruce Marconi

DEFENDANTS

Acme Markets, Inc., 10th and Reed Acme Markets, Inc. and SuperValu, Inc.

(b) County of Residence of First Listed Plaintiff Philadelphia, PA
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant Boise, Idaho
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Matthew B. Weisberg, Esquire; 7 South Morton Avenue,
Morton, PA 19070; 610-690-0801

Attorneys (If Known)

Kelly McWilliams, Esquire; 524 N. Providence Road,
Media, PA 19063; 610-627-9500

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC Sections 1332(a) and 1441(a)Brief description of cause:
Premises Liability Negligence claim.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

08/02/2010

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Bruce Marconi

CIVIL ACTION

v.

NO.

Acme Markets, Inc., et al

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

8-2-10

Date

Attorney-at-law

Defendant

Attorney for

610-627-9500

Telephone

610-627-2400

FAX Number

kmcwilliams@gibleylaw.com

E-Mail Address

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1515 South 9th Street, Philadelphia, PA 19147
 Address of Defendant: 250 E. Center Boulevard, Boise, ID and Eden Prairie, MM
 Place of Accident, Incident or Transaction: 1400 E. Passyunk Avenue, Philadelphia, PA
 (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

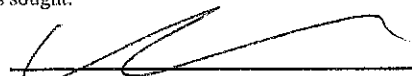
ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, W. Kelly McWilliams, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 8-2-10

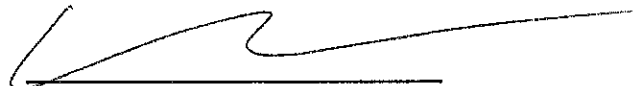

 Attorney-at-Law

50286
 Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8-2-10


 Attorney-at-Law

50286
 Attorney I.D.#